

Federal Aviation Administration, DOT

§ 11.201

§ 11.103 What exemption relief may be available to federal, state, and local governments when operating aircraft that are not public aircraft?

The Federal Aviation Administration may grant a federal, state, or local government an exemption from part A of subtitle VII of title 49 United States Code, and any regulation issued under that authority that is applicable to an aircraft as a result of the Independent Safety Board Act Amendments of 1994, Public Law 103-411, if—

(a) The Administrator finds that granting the exemption is necessary to prevent an undue economic burden on the unit of government; and

(b) The Administrator certifies that the aviation safety program of the unit of government is effective and appropriate to ensure safe operations of the type of aircraft operated by the unit of government.

[68 FR 25488, May 13, 2003]

Subpart B—Paperwork Reduction Act Control Numbers

§ 11.201 Office of Management and Budget (OMB) control numbers assigned under the Paperwork Reduction Act.

(a) The Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520) requires FAA to get approval from OMB for our information collection activities, and to list a record of those approvals in the FEDERAL REGISTER. This subpart lists the control numbers OMB assigned to FAA's information collection activities.

(b) The table listing OMB control numbers assigned to FAA's information collection activities follows:

14 CFR part or section identified and described	Current OMB control number
Part 14	2120-0539
Part 17	2120-0632
Part 21	2120-0018, 2120-0552
Part 34	2120-0508
Part 39	2120-0056
Part 43	2120-0020
Part 45	2120-0508
Part 47	2120-0024, 2120-0042
Part 49	2120-0043
Part 61	2120-0021, 2120-0034, 2120-0543, 2120-0571
Part 63	2120-0007
Part 65	2120-0022, 2120-0535, 2120-0571, 2120-0648

14 CFR part or section identified and described	Current OMB control number
Part 67	2120-0034, 2120-0543
Part 77	2120-0001
Part 91	2120-0005, 2120-0026, 2120-0027, 2120-0573, 2120-0606, 2120-0620, 2120-0631, 2120-0651
Part 93	2120-0524, 2120-0606, 2120-0639
Part 101	2120-0027
Part 105	2120-0027, 2120-0641
Part 107	2120-0075, 2120-0554, 2120-0628
Part 108	2120-0098, 2120-0554, 2120-0577, 2120-0628, 2120-0642
Part 109	2120-0505
Part 119	2120-0593
Part 121	2120-0008, 2120-0028, 2120-0535, 2120-0571, 2120-0600, 2120-0606, 2120-0614, 2120-0616, 2120-0631, 2120-0651, 2120-0653, 2120-0691, 2120-0702
Part 125	2120-0028, 2120-0085, 2120-0616, 2120-0651
Part 129	2120-0028, 2120-0536, 2120-0616, 2120-0638
Part 133	2120-0044
Part 135	2120-0003, 2120-0028, 2120-0039, 2120-0535, 2120-0571, 2120-0600, 2120-0606, 2120-0614, 2120-0616, 2120-0620, 2120-0631, 2120-0653
Part 137	2120-0049
Part 139	2120-0045, 2120-0063
Part 141	2120-0009
Part 142	2120-0570
Part 145	2120-0003, 2120-0010, 2120-0571
Part 147	2120-0040
Part 150	2120-0517
Part 157	2120-0036
Part 158	2120-0557
Part 161	2120-0563
Part 171	2120-0014
Part 183	2120-0033, 2120-0604
Part 193	2120-0646
Part 198	2120-0514
Part 400	2120-0643, 2120-0644, 0649
Part 401	2120-0608
Part 440	2120-0601
SFAR 36	2120-0507
SFAR 71	2120-0620

[Doc. No. 1999-6622, 65 FR 50863, Aug. 21, 2000, as amended by Amdt. 11-47, 67 FR 9553, Mar. 1, 2002; Amdt. 11-49, 68 FR 61321, Oct. 27, 2003; Amdt. 11-49, 68 FR 70132, Dec. 17, 2003; 70 FR 40163, July 12, 2005]

EFFECTIVE DATE NOTE: By Amdt. 11-52, 71 FR 63426, Oct. 30, 2006, § 11.201 was amended by adding an entry in the table under paragraph (b), effective Oct. 30, 2007. By Amdt. 11-54, 72 FR 59598, Oct. 22, 2007, the effective date was delayed until May 30, 2008. For the convenience of the user, the added text is set forth as follows:

§ 11.201 Office of Management and Budget (OMB) control numbers assigned under the Paperwork Reduction Act.

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(b) * * *

14 CFR part or section identified and described	Current OMB control number
Part 60	2120–0680

APPENDIX 1 TO PART 11—ORAL COMMUNICATIONS WITH THE PUBLIC DURING RULEMAKING

1. What is an *ex parte* contact?

“*Ex parte*” is a Latin term that means “one sided,” and indicates that not all parties to an issue were present when it was discussed. An *ex parte* contact involving rulemaking is any communication between FAA and someone outside the government regarding a specific rulemaking proceeding, before that proceeding closes. A rulemaking proceeding does not close until we publish the final rule or withdraw the NPRM. Because an *ex parte* contact excludes other interested persons, including the rest of the public, from the communication, it may give an unfair advantage to one party, or appear to do so.

2. Are written comments to the docket *ex parte* contacts?

Written comments submitted to the docket are not *ex parte* contacts because they are available for inspection by all members of the public.

3. What is DOT policy on *ex parte* contacts?

It is DOT policy to provide for open development of rules and to encourage full public participation in rulemaking actions. In addition to providing opportunity to respond in writing to an NPRM and to appear and be heard at a hearing, DOT policy encourages agencies to contact the public directly when we need factual information to resolve questions of substance. It also encourages DOT agencies to be receptive to appropriate contacts from persons affected by or interested in a proposed action. But under some circumstances an *ex parte* contact could affect the basic openness and fairness of the rulemaking process. Even the appearance of impropriety can affect public confidence in the process. For this reason, DOT policy sets careful guidelines for these contacts. The kind of *ex parte* contacts permitted and the procedures we follow depend on when the contact occurs in the rulemaking process.

4. What kinds of *ex parte* contacts does DOT policy permit before we issue an ANPRM, NPRM, Supplemental NPRM, or immediately adopted final rule?

The DOT policy authorizes *ex parte* contacts that we need to obtain technical and

economic information. We need this information to decide whether to issue a regulation and what it should say. Each contact that influences our development of the regulation is noted in the preamble. For multiple contacts that are similar, we may provide only a general discussion. For contacts not discussed in the preamble, we place a report discussing each contact or group of related contacts in the rulemaking docket when it is opened.

5. Does DOT policy permit *ex parte* contacts during the comment period?

No, during the comment period, the public docket is available for written comments from any member of the public. These comments can be examined and responded to by any interested person. Because this public forum is available, DOT policy discourages *ex parte* contacts during the comment period. They are not necessary to collect the information the agency needs to make its decision.

6. What if the FAA believes it needs to meet with members of the public to discuss the proposal?

If the FAA determines that it would be helpful to invite members of the public to make oral presentations to it regarding the proposal, we will announce a public meeting in the FEDERAL REGISTER.

7. Are any oral contacts concerning the proposal permitted during the comment period?

If you contact the agency with questions regarding the proposal during the comment period, we can only provide you with information that has already been made available to the general public. If you contact the agency to discuss the proposal, you will be told that the proper avenue of communication during the comment period is a written communication to the docket.

8. If a substantive *ex parte* contact does occur during the comment period, what does FAA do?

While FAA tries to ensure that FAA personnel and the public are aware of DOT policy, substantive *ex parte* contacts do occasionally occur, for example, at meetings not intended for that purpose. In such a case, we place a summary of the contact and a copy of any materials provided at the meeting in the rulemaking docket. We encourage participants in such a meeting to file written comments in the docket.

9. Does DOT policy permit *ex parte* contacts the comment period has closed?

DOT policy strongly discourages *ex parte* contacts initiated by commenters to discuss their position on the proposal once the comment period has closed. Such a contact at